



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815  
(916) 323-2514 • (916) 324-0908 FAX • [WWW.CALEPA.CA.GOV](http://WWW.CALEPA.CA.GOV)

LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER  
GOVERNOR

Certified Mail: 7002 0510 0003 2320 0971

April 23, 2009

Mr. David Woods  
Fire Marshall  
Glendale City Fire Department  
780 Flower Street  
Glendale, California 92101

Dear Mr. Woods:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, and the State Water Resources Control Board conducted a program evaluation of the Glendale City Fire Department Certified Unified Program Agency (CUPA) on March 18 and 19, 2009. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review; I find that the Glendale City Fire Department CUPA program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Status Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Status Reports to Mary Wren-Wilson every 90 days after the evaluation date. The first deficiency progress report is due on June 17, 2009.

Cal/EPA also noted during this evaluation that the Glendale City Fire Department has worked to bring about a number of local program innovations, including successful integration of other environmental regulatory programs into the Unified Program. These environmental programs include Industrial Waste, Used Oil, Household Hazardous Waste, Oil and Grease Discharge Control, Storm Water, Waste Collection Services and traditional Fire Prevention programs. In addition, the CUPA has developed an excellent program for training CUPA staff and businesses regulated under the Unified Program. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. David Woods  
Page 2  
April 23, 2009

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

[Original signed by]

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Ms. Mary Wren-Wilson  
Cal/EPA Unified Program  
P.O. Box 2815  
Sacramento, CA 95812-2815

Mr. Vasken Demirjian  
Environmental Management Coordinator  
Glendale City Fire Department  
780 Flower Street  
Glendale, California 92101

Mr. Sean Farrow  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

Mr. Fred Mehr  
Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Kevin Graves  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

cc: Sent via email:

Ms. Terry Brazell  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

Mr. Charles McLaughlin  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Ms. Asha Arora  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

Mr. Ben Ho  
Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Brian Abeel  
California Emergency Management Agency  
3650 Schriever Avenue  
Mather, California 95655



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815  
(916) 323-2514 • (916) 324-0908 FAX • [WWW.CALEPA.CA.GOV](http://WWW.CALEPA.CA.GOV)

ARNOLD SCHWARZENEGGER  
GOVERNOR

## **CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS**

**CUPA:** City of Glendale Fire Department CUPA

**Evaluation Date:** March 18 and 19, 2009

### **EVALUATION TEAM**

**Cal/EPA:** Mary Wren-Wilson and John Paine

**SWRCB:** Sean Farrow

**Cal/EMA:** Fred Mehr

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Mary Wren-Wilson at (916) 323-2204.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action</u></b>
1	<p>The CUPA's consolidated facility permit is missing a required data element. The CUPA's consolidated permit does not include the "date issued."</p> <p><b>CCR, Title 27, Section 15180 Cal/EPA</b></p>	<p>By May 1, 2009, the CUPA will revise their consolidated facility permit to include the missing element.</p>
2	<p>The CUPA has incorrectly reported enforcement actions they completed during the passed three reporting years.</p> <p>The Annual Summary Enforcement Reports submitted to Cal/EPA by the CUPA improperly depicted certain enforcement actions as formal when they are actually considered to be informal enforcement actions. These actions taken by the CUPA do not conform to the statutory definitions for an "AEO" or a "formal enforcement action." Therefore, these particular enforcement actions must be reported as "informal actions" on the Annual Summary Enforcement Report.</p> <p><b>CCR, Title 27, Section 15290 (a) Cal/EPA</b></p>	<p>The CUPA will ensure that enforcement actions are properly reported in their 2008/2009 Enforcement Summary Report # 4. The report will be submitted to Cal/EPA by September 30, 2009.</p>
	<p>The CUPA has not annually reviewed, updated and made necessary amendments to their Unified Inspection and</p>	<p>By June 18, 2009, and annually thereafter, the CUPA will review and</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

<p style="text-align: center;"><b>3</b></p>	<p>Enforcement Plan.</p> <p>The last indication of a review or changes to the plan was in 2002. Several elements of the plan did not reflect current requirements, were no longer accurate, or applicable. For example, the plan does not include all available enforcement option. The “Red Tag” enforcement option is not addressed even though “Red Tag” is used on UST facilities by the CUPA for formal enforcement. In addition, the AEO enforcement option contained in the plan only addresses the process for the Hazardous Waste program, not the other Unified Program elements.</p> <p><b>CCR, Title 27, Sections 15200 (b) &amp; 15200 (a) (6) Cal/EPA and SWRCB</b></p>	<p>update their Unified Inspection and Enforcement Plan. The update will identify all available enforcement options, incorporate current requirements, and reflect the CUPA’s actual inspection and enforcement activities.</p> <p>The CUPA shall add the Red Tag option to its Inspection and Enforcement plan. The plan should clearly identify how and when the Red Tag option should be used.</p>
<p style="text-align: center;"><b>4</b></p>	<p>The CUPA is not ensuring that regulated businesses submit certifications at least once every three years, that they have reviewed their Business Plan, and made necessary changes. Nearly half of the facility files reviewed were either missing the plan or contained outdated plans.</p> <p><b>HSC Chapter 6.95 Section 25505(c) OES</b></p>	<p>By June 18, 2009, the CUPA will develop and submit an action plan that outlines the process or procedure to obtain updated Business Plans before March 1, 2010 and in continue on the required three year cycle.</p>
<p style="text-align: center;"><b>5</b></p>	<p>The CUPA’s facility files are not indexed by street address and company name. During file review, 70% of the files were indexed by street address only.</p> <p><b>HSC Chapter 6.95 Section 25506(a) OES</b></p>	<p>By June 18, 2009, the CUPA shall submit an action plan outlining how they will index all files by business address and business name.</p>
<p style="text-align: center;"><b>6</b></p>	<p>The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility during the last three fiscal years.</p> <ul style="list-style-type: none"> <li>• FY 05/06, the CUPA inspected 81% of their regulated UST facilities;</li> <li>• FY 06/07, the CUPA inspected 68% of their regulated UST facilities;</li> <li>• FY 07/08, the CUPA completed UST compliance inspections for 64% of the regulated UST facilities.</li> </ul> <p>The CUPA has achieved a 100% inspection compliance frequency for FY 08/09.</p> <p><b>HSC, Chapter 6.7, Section 25288 (a) SWRCB</b></p>	<p>Beginning next fiscal year, and annually thereafter, the CUPA will inspect every UST facility at least once every year.</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

<b>7</b>	<p>The CUPA is not approving submitted UST monitoring plan forms (Unified Program Consolidated Form (UPCF UST-D)). The files reviewed indicate that the CUPA is not signing the approval/disapproval box on page four, indicating that the form has been reviewed for completeness and accuracy.</p> <p><b>CCR, Title 23, section 2641(g) and 2632(d)(1) SWRCB</b></p>	<p>By June 18, 2009, the CUPA shall develop and implement a process for approving submitted monitoring plans prior to issuing UST operating permits.</p> <p>By September 18, 2009, the CUPA shall include in their second deficiency status report, the status of the monitoring plan approvals, including the number of plans approved to-date.</p>
----------	--	--

**CUPA Representative**

Vasken Demerjian  
\_\_\_\_\_  
(Print Name)

Original Signed  
\_\_\_\_\_  
(Signature)

**Evaluation Team Leader**

Mary Wren-Wilson  
\_\_\_\_\_  
(Print Name)

Original Signed  
\_\_\_\_\_  
(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

*The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.*

1. **Observation:** Although the CUPA adequately demonstrated oversight and implementation of the Unified Program, the evaluation team struggled in their efforts to locate and review documentation in the facility files.

**Recommendation:** As an interim corrective measure, prior to implementing their new electronic data system, the CUPA should modify their existing Filemaker Pro system to collect, retain and maintain Unified Program inspection, violation classifications, and return to compliance data elements.

2. **Observation:** The CUPA's Unified Program Consolidated Form, Hazardous Material Business Plan package is outdated: the CUPA forms are dated 12/2001; the OES phone number is incorrect; and, the example Annotated Site Map is missing.

**Recommendation:** The CUPA should update their Business Plan Forms to the UPCF 12/2007 forms, update the new Cal EMA (formerly OES) phone number - 916-845-8911, and include an example of the Annotated Site Map with the minimum requirements.

3. **Observation:** The CUPA's UST inspection report form does not provide a place to note owner or facility representative consent to inspect the facility.

**Recommendation:** The CUPA is encouraged to provide a place for consent to inspect on all inspection reports. This recommendation is based on the "Inspection Report Writing Guidance for UPA's" dated 3-21-05. This document is available upon request and can be found at <http://calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf>.

4. **Observation:** The CUPA's UST Inspection form does not identify Significant Operational Compliance items or provide for a summary of these items for tracking purposes during the annual compliance inspection.

**Recommendation:** The SWRCB recommends that the CUPA provide a means for determining SOC compliance during the inspection.

An inspection "Draft" form has been given to the CUPA. This form is not required to be used by the CUPA. It is an example/tool to help the CUPA identify the SOC items that need to be reported to the SWRCB.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The City of Glendale Fire Departments efficient Unified Program is the direct result of the CUPA's successful integration of other environmental regulatory programs into the Unified Program. These environmental programs include Industrial Waste, Used Oil, Household Hazardous Waste, Oil and Grease Discharge Control, Storm Water, Waste Collection Services and traditional Fire Prevention programs. For instance, the CUPA is involved with regulated businesses from plan check through facility closure, resulting in higher compliance rates and discouraging illegal disposals while providing tangible benefits to their regulated businesses.
2. The CUPA has developed an excellent program for training CUPA staff and businesses regulated under the Unified Program. All new CUPA staff complete a comprehensive training program that involves both class-room and extensive on-the-job training. Mentoring activities are also employed to transfer institutional knowledge from senior staff to entry-level staff, leveling the knowledge base of all CUPA staff. The CUPA has forged a partnership with their local community college to provide key program educational courses to their regulated businesses at little or minimal costs.
3. The CUPA inspector who conducted the Business Plan and UST facility oversight inspections was very knowledgeable in both program and facility compliance requirements. The inspector was involved with initial plan check, permitting, and construction of these facilities, establishing a highly effective relationship with facility personnel. It was very impressive to see this type of relationship established between the CUPA inspector, the facility and its operators.